

REMARKS

Claims 1-5 are pending in the application. Applicant amends claim 1 for clarification.

No new matter has been added.

Applicant acknowledges with appreciation the Examiner's allowance of claim 3.

The Examiner objected to claims 2 and 4 for a number of informalities, which Applicant addressed in the previous response. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection.

Claim 1 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Correspondingly, claims 1-2 and 4-5 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

The Examiner objected to the claimed feature of "rotation detecting apparatus does not require a specialized disk." Applicant amends claim 1 to remove the objected-to phrase, and, accordingly, respectfully requests that the Examiner withdraw the §112 rejections.

Claims 1-2 and 4-5 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,881,949 to Spencer; and claims 1-2 also stand rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4 of U.S. Patent No. 6,898,165 in view of Spencer

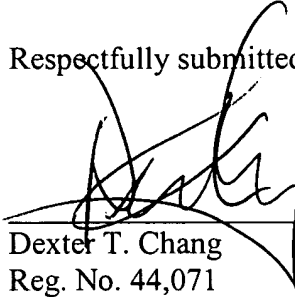
The Examiner invoked the requirement for a translation of a foreign priority document under 37 CFR §1.55(a)(4)(i)(B) to perfect Applicant's priority claim against Spencer. Applicant encloses herewith a verified translation of priority Japanese Patent Application No. 2002-182923. Again, Spencer was not filed until November 12, 2002, which was after the June 24,

2002 priority date of the present application. As such, Spencer is not prior art to the present application. Accordingly, Applicant respectfully requests that the Examiner withdraw the §102 and double-patenting rejections.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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